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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,546	11/03/2003	Naokatsu Ikegami	OKI.153DC	9945
20987 7590 12/17/2007 VOLENTINE & WHITT PLLC ONE FREEDOM SQUARE 11951 FREEDOM DRIVE SUITE 1260 RESTON, VA 20190			EXAMINER CHEN, KIN CHAN	
			ART UNIT 1792	PAPER NUMBER
			MAIL DATE 12/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p align="center">10/698,546</p>	<p>Applicant(s)</p> <p align="center">IKEGAMI, NAOKATSU</p>	
	<p>Examiner</p> <p align="center">Kin-Chan Chen</p>	<p>Art Unit</p> <p align="center">1792</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-17 is/are rejected.
- 7) ☒ Claim(s) 12 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 12 and 14 are objected to because of the following informalities:

Claims 12 and 14 contain typographic errors, "O2" should be "O₂".

Claims 12 and 14 contain typographic errors, "N2H2" should be "N₂H₂".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12-17 are rejected under 35 U.S.C. 103(a) as obvious over Watatani (US 6,153,511) in view of Chen et al. (US 6,352,938) as evidenced by Sugahara et al. (US 5,989,998) and Demmin et al. (US 6,635,185; col.7, lines 15-25 and Tables).

In a method for fabricating a semiconductor device, Watatani teaches that a low-dielectric, organic insulating layer (e.g., organic SOG) may be formed over an

interconnect layer. A contact hole may be formed in an organic insulating layer (e.g., organic SOG) so as to expose the interconnect layer using a patterned resist layer formed over the organic insulating layer as a mask. The patterned resist layer may be ashed (Figs. 5A-5I; col. 7, lines 7-11). Watatani teaches removing photoresist by ashing. Watatani is not particular about the etchant. In a method for stripping photoresist, Chen (abstract; col. 4, lines 8-10) teaches that a mixed gas consisting of nitrogen, oxygen and hydrogen (such as $N_2H_2 + O_2$, same as that disclosed in applicant's dependent claims) may be used for ashing to strip the photoresist from a low dielectric constant (low-k) dielectric layer. The disclosure of Chen is not limited to any particular low dielectric material, therefore, making commonly used low dielectric organic SOG insulating layer obvious. Hence, it would have been obvious to one with ordinary skill in the art to use oxygen and a mixed gas containing nitrogen and hydrogen (such as N_2H_2) as taught by Chen in the process of Watatani for ashing in order to effectively remove the photoresist from a low-k dielectric layer.

The claimed invention differs from the combined prior art by specifying forming a protective film on a surface of the contact hole during the ashing wherein the protective film is formed by reacting the organic insulating layer (e.g., organic SOG) with the nitrogen. However, because the same materials are used with the same process, it is expected that the method of the combined prior art would possess the claimed characteristic and properties, such as forming the protective by reacting the organic insulating layer with the nitrogen.

Claim 15 differ from the prior art by specifying conventional materials and process (such as forming organic SOG by adding alkyl group to a silicon oxide) to the art of semiconductor device fabrication. A person having ordinary skill in the art would have found it obvious to modify the combined prior art by adding any of same conventional materials and process to same in order to form the organic SOG with a reasonable expectation of success, see Sugahara et al. (US 5,989,998) in the record as evidence.

The above-cited claims differ from the prior art by specifying various processing parameters (such as pressure and temperature in claims 13, 16, and 17) and composition (such as a ratio of O_2 to N_2H_2). However, same were known to be result-effective variables and commonly determined by routine experiment. The process of conducting routine experimentations so as to produce an expected result is obvious to one of ordinary skill in the art. **In the absence of showing criticality or new, unexpected results**, a person having ordinary skill in the art would have found it obvious to modify the prior art by performing routine experiments (by using different process parameters and composition) to obtain optimal result with a reasonable expectation of success. The workable or optimum ranges of flow rates of gas (a ratio of O_2 to N_2H_2) can be determined by routine experimentation because the reference discloses that different amounts of the components (such as col. 4, lines 17-19) can be employed, thus the amounts of components are result effective variables. See also Demmin et al. (col.7, lines 15-25 and Tables) in the record as evidence.

The amounts of an ingredient would have been well within the ordinary skill in the art, absent a showing of criticality. See In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

Changes in compositions, temperature, concentrations, or other process conditions of a process do not impart patentability unless the recited ranges are critical (i.e., they produce a new and unexpected result that differs in kind and not merely in degree from the result of the prior art). In re Woodruff, 16USPQ2d 1934,1936 (Fed. Cir.1990); In re Hoeschele, 406 F.2d 1403, 160 USPQ 809; In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). MPEP 2144.05 II. The burden is on the applicant to establish with objective evidence that the change is critical.

Response to Arguments

4. Applicant's arguments filed October 9, 2007 have been fully considered but they are not persuasive.

Applicant has argued that Chen does not teach a ratio of O₂ to N₂H₂ is 90:10 nor does Chen teach the claimed temperature and pressure. It is not persuasive. As has been stated in the office action, same were known to be result-effective variables and commonly determined by routine experiment. The process of conducting routine experimentations so as to produce an expected result is obvious to one of ordinary skill in the art. **In the absence of showing criticality or new, unexpected results**, a person having ordinary skill in the art would have found it obvious to modify the prior art by performing routine experiments (by using different process parameters and composition) to obtain optimal result with a reasonable expectation of success. The workable or optimum ranges of flow rates of gas (a ratio of O₂ to N₂H₂) can be determined by routine experimentation because the reference discloses that different amounts of the components (such as col. 4, lines 17-19) can be employed, thus the

amounts of components are result effective variables. See also Demmin et al. (col.7, lines 15-25 and Tables) in the record as evidence. See also the case law cited above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sugahara et al. (US 5,989,998; col. 3, lines 25-42) discloses that organic SOG may be formed by adding alkyl group to a silicon oxide. Demmin et al. (US 6,635,185; col.7, lines 15-25 and Tables) discloses that one skilled in the art can vary type of plasma etching, composition, flow rate, temperature, pressure, power, time and bias accordingly to etch a desired material.


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kin-Chan Chen whose telephone number is (571) 272-1461. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 14, 2007


Kin-Chan Chen
Primary Examiner
Art Unit 1792